

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEITH LAMAR,

Petitioner,

-vs-

TODD ISHEE, Warden,

Respondent.

:

Case No. 1:04-cv-541

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

**DECISION AND ORDER GRANTING IN PART AND DENYING IN PART
PETITIONER'S MOTION TO COMPEL DISCOVERY AND FOR EXTENSION OF TIME
TO FILE REQUEST FOR EVIDENTIARY HEARING**

This case is before the Court on Petitioner's Motion to Compel Discovery and for Extension of Time to File Request for Evidentiary Hearing (Doc. No. 135), the Warden's Response (Doc. No. 140), and Petitioner's Reply (Doc. No. 142).

That portion of the Motion seeking an extension of time to file a request for an evidentiary hearing is moot in that Petitioner had already filed that request and it has been ruled on.

The material sought on this Motion is videotaped depositions of inmate witnesses taken to avoid the necessity of presenting those inmates live before the grand jury. While the Court appreciates that Respondent may have interpreted the Court's prior Order narrowly as not including grand jury depositions, the Court did not intend any such limitations.

The Motion to Compel is granted. The videotaped depositions referenced in the Motion shall be made available to Petitioner's counsel for review not later than January 10, 2007.

December 11, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge